UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

AMERICAN ALTERNATIVE INSURANCE CORP., Plaintiff	CIVIL ACTION NO. 1:19-CV-00166
VERSUS	JUDGE DRELL
DINA DALTON, Defendant	MAGISTRATE JUDGE PEREZ-MONTES

JURISDICTIONAL REVIEW FINDINGS

Before the Court is a Complaint premising federal jurisdiction upon diversity of citizenship (Doc. 1). "[S]ubject-matter jurisdiction, because it involves a court's power to hear a case, can never be forfeited or waived." Arbaugh v. Y&H Corp., 546 U.S. 500, 514 (2006) (citing Ruhrgas AG v. Marathon Oil Co., 526 U.S. 574, 583 (1999)). The Court has "an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any party." Id.

The diversity statute – 28 U.S.C. § 1332 – is satisfied upon a showing of: (1) diversity of citizenship between the parties; and (2) an amount in controversy in excess of $75,000, exclusive of interest and costs. "Complete diversity requires that all persons on one side of the controversy be citizens of different states than all persons on the other side." Harvey v. Grey Wolf Drilling Co., 542 F.3d 1077, 1079 (5th Cir. 2008) (citing Harrison v. Prather, 404 F.2d 267, 272 (5th Cir. 1968)) (internal citation and quotation omitted). "[W]hen jurisdiction depends on citizenship, citizenship must be *distinctly and affirmatively* alleged." Getty Oil Corp., a Div. of Texaco, Inc. v. Ins. Co. of N. Am., 841 F.2d 1254, 1259 (5th Cir. 1988) (internal

quotation omitted); (see also Mullins v. Testamerica, Inc., 2008 WL 4888576 (5th Cir. 2008)(per curiam).

The citizenship of an individual is his or her domicile, meaning the place where an individual resides and intends to remain. See Acridge v. Evangelical Lutheran Good Samaritan Soc., 334 F.3d 444, 448 (5th Cir. 2003). A corporation shall be deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business. See Tewari De-Ox Systems, Inc. v. Mountain States/Rosen, L.L.C., 757 F.3d 481, 483 (5th Cir. 2014). "[T]he citizenship of a partnership is determined by reference to the citizenship of each of its partners." See Int'l Paper Co. v. Denkmann Associates, 116 F.3d 134, 135, 137 (5th Cir. 1997). The citizenship of a limited liability company ("L.L.C."), a limited partnership, or other unincorporated association or entity, is determined by the citizenship of all its members. See Harvey, 542 F.3d at 1079-80.
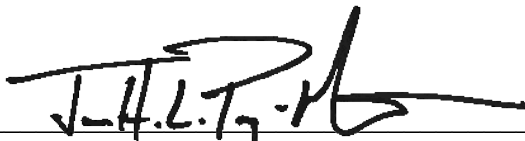
The Complaint alleges that Plaintiff American Alternative Insurance Corporation ("AAIC") is a corporation organized and existing under the laws of the state of Delaware with its principal place of business in the state of New Jersey. (Doc. 1). Thus, AAIC is a citizen of Delaware and New Jersey.

The Complaint alleges Defendant Dina Dalton ("Dalton") is an individual domiciled in the state of Utah. (Doc. 1). Thus, Dalton is a citizen of Utah.

The Complaint further alleges AAIC has been called upon to pay the cost of defending Dalton against an underlying state court lawsuit and to provide coverage for any judgment rendered against her. (Doc. 1). AAIC alleges the amount in controversy exceeds $75,000.00, exclusive of interest and costs. (Doc. 1). AAIC attached a number of documents to the Complaint, including Policy Number 99A2PL0002948-06, "Abuse or Molestation Liability Coverage Part Declarations" for policy period January 15, 2016 through January 15, 2017 with the following limits of insurance: aggregate limit of $500,000, each act of abuse or molestation $250,000. (Doc. 1-3). Thus, it appears the jurisdictional threshold has been satisfied.

Accordingly, diversity jurisdiction is preliminarily established. No further action is necessary at this time. This finding is preliminary in nature, and may be reconsidered *sua sponte* or upon appropriate motion.

THUS DONE AND SIGNED in chambers in Alexandria, Louisiana, this __27th__ day of February, 2019.

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Joseph H.L. Perez-Montes
United States Magistrate Judge